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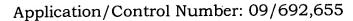


UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/692,655	10/19/2000	Gary E. Smith	GSMITH.002A	7733	
20995 7	7590 02/13/2002				
KNOBBE MARTENS OLSON & BEAR LLP 620 NEWPORT CENTER DRIVE SIXTEENTH FLOOR			EXAMINER		_
			THISSELL, JENNIFER I		
NEWPORT BEACH, CA 92660		,	ART UNIT	PAPER NUMBER	
				TATER NOMBER	_
			3635		
			DATE MAILED: 02/13/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
•		SMITH, GARY E.			
Office Action Summary	09/692,655				
• Onice Action Summary	Examiner	Art Unit			
Th MAILING DATE of this communication appe	Jennifer I Thissell	correspondence address			
Period for Reply	ears on the cover sheet with the	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period wi - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing of earned patent term adjustment. See 37 CFR 1.704(b). Status	6(a). In no event, however, may a reply be to within the statutory minimum of thirty (30) da ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDON	imely filed ays will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).			
1) Responsive to communication(s) filed on 19 O	october 2000 .				
2a) This action is FINAL . 2b) This	s action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4)⊠ Claim(s) <u>1-31</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.	·				
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 1-31 are subject to restriction and/or el	lection requirement.				
Application Papers	·				
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) □ accept	ed or b)⊡ objected to by the Exa	aminer.			
Applicant may not request that any objection to the	drawing(s) be held in abeyance. S	See 37 CFR 1.85(a).			
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.					
If approved, corrected drawings are required in repl	y to this Office action.				
12) The oath or declaration is objected to by the Example 12.	miner.				
Priority under 35 U.S.C. §§ 119 and 120					
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	a)-(d) or (f).			
a) All b) Some * c) None of:					
1. Certified copies of the priority documents	have been received.				
2. Certified copies of the priority documents	have been received in Applicati	ion No			
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
14) Acknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e) (to a provisional application).			
a) The translation of the foreign language provi 15) Acknowledgment is made of a claim for domestic					
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)			
S. Patent and Trademark Office TO-326 (Rev. 04-01) Offic Action	on Summary	Part of Paper No. 4			



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DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, drawn to a wedge shaped support element.

Species B, drawn to a triangle shaped support element.

Species C, drawn to a support element having arch sections.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as

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provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

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February 6, 2002

BETH A. STEPHAN PRIMARY EXAMINER